

1 SENATE BILL 525

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

4 Phil A. Griego

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10 AN ACT

11 RELATING TO TAXATION; INCREASING THE PERCENTAGE OF LIQUOR
12 EXCISE TAX REVENUES DISTRIBUTED TO THE LOCAL DWI GRANT FUND;
13 CHANGING DISTRIBUTIONS FROM THE FUND; MAKING APPROPRIATIONS.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 Section 1. Section 7-1-6.40 NMSA 1978 (being Laws 1997,
17 Chapter 182, Section 1, as amended) is amended to read:

18 "7-1-6.40. DISTRIBUTION--LOCAL DWI GRANT FUND.--A
19 distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
20 made to the local DWI grant fund in an amount equal to [~~thirty-~~
21 ~~four and fifty-seven hundredths~~] sixty percent of the net
22 receipts attributable to the liquor excise tax."

23 Section 2. Section 11-6A-3 NMSA 1978 (being Laws 1993,
24 Chapter 65, Section 3, as amended) is amended to read:

25 "11-6A-3. LOCAL DWI GRANT PROGRAM--FUND.--

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1 A. The division shall establish a local DWI grant
2 program to make grants to municipalities or counties for:

3 (1) new, innovative or model programs,
4 services or activities to prevent or reduce the incidence of
5 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse;
6 and

7 (2) programs, services or activities to
8 prevent or reduce the incidence of domestic abuse related to
9 DWI, alcoholism, alcohol abuse, drug addiction or drug abuse.

10 B. Grants shall be awarded by the council pursuant
11 to the advice and recommendations of the division.

12 C. The "local DWI grant fund" is created in the
13 state treasury and shall be administered by the division. Two
14 million five hundred thousand dollars (\$2,500,000) of liquor
15 excise tax revenues distributed to the fund and all other money
16 in the fund, other than money appropriated for distribution
17 pursuant to [~~Subsections D and E~~] Subsection D of this section
18 and money appropriated for DWI program distributions, are
19 appropriated to the division to make grants to municipalities
20 and counties upon council approval in accordance with the
21 program established under the Local DWI Grant Program Act and
22 to evaluate DWI grantees and the local DWI grant program.
23 [~~Money in the fund may be used for drug courts.~~] An amount
24 equal to the liquor excise tax revenues distributed annually to
25 the fund less [~~five million six hundred thousand (\$5,600,000)~~]

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1 six million eight hundred sixty thousand dollars (\$6,860,000)
2 is appropriated to the division to make DWI program
3 distributions to counties upon council approval of programs in
4 accordance with the provisions of the Local DWI Grant Program
5 Act. No more than six hundred thousand dollars (\$600,000) of
6 liquor excise tax revenues distributed to the fund in any
7 fiscal year shall be expended for administration of the grant
8 program. Balances in the fund at the end of any fiscal year
9 shall not revert to the general fund.

10 D. [~~Two million eight hundred thousand dollars~~
11 ~~(\$2,800,000)~~] Four million three hundred sixty thousand dollars
12 (\$4,360,000) of the liquor excise tax revenues distributed to
13 the local DWI grant fund is appropriated to the division for
14 distribution to the following counties in the following amounts
15 for funding of alcohol detoxification and treatment facilities
16 and programs:

17 (1) [~~one million seven hundred thousand~~
18 ~~dollars (\$1,700,000)~~] two million forty thousand dollars
19 (\$2,040,000) to class A counties with a population of over
20 three hundred thousand persons according to the 1990 federal
21 decennial census;

22 (2) [~~three hundred thousand dollars~~
23 ~~(\$300,000)~~] three hundred sixty thousand dollars (\$360,000)
24 each to counties reclassified in 2002 as class A counties with
25 a population of more than ninety thousand but less than one

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1 hundred thousand persons according to the 1990 federal
2 decennial census;

3 (3) [~~two hundred thousand dollars (\$200,000)~~]
4 two hundred forty thousand dollars (\$240,000) to class B
5 counties with a population of more than thirty thousand but
6 less than forty thousand persons according to the 1990 federal
7 decennial census;

8 (4) [~~one hundred fifty thousand dollars~~
9 ~~(\$150,000)~~] one hundred eighty thousand dollars (\$180,000) to
10 class B counties with a population of more than sixty-two
11 thousand but less than sixty-five thousand persons according to
12 the 1990 federal decennial census; [~~and~~]

13 (5) [~~one hundred fifty thousand dollars~~
14 ~~(\$150,000)~~] one hundred eighty thousand dollars (\$180,000) to
15 class B counties with a population of more than thirteen
16 thousand but less than fifteen thousand persons according to
17 the 1990 federal decennial census; and

18 (6) one million dollars (\$1,000,000) to first
19 class counties with a population of more than two thousand
20 persons according to the 2000 federal decennial census for
21 operation of an alcohol treatment facility and program located
22 in the county and serving an eight-county region.

23 [~~E. Three hundred thousand dollars (\$300,000) of~~
24 ~~the liquor excise tax revenues distributed to the local DWI~~
25 ~~grant fund is appropriated to the division for the interlock~~

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1 ~~device fund to cover the costs of installing and removing~~
2 ~~ignition interlock devices for indigent people who are~~
3 ~~required, pursuant to convictions under Section 66-8-102 NMSA~~
4 ~~1978, to install those devices in their vehicles.~~

5 F.] E. In awarding DWI grants to local communities,
6 the council:

7 (1) may fund new or existing innovative or
8 model programs, services or activities designed to prevent or
9 reduce the incidence of DWI, alcoholism or alcohol abuse;

10 (2) may fund existing community-based
11 programs, services or facilities for prevention, screening and
12 treatment of alcoholism and alcohol abuse;

13 (3) may fund new or existing innovative or
14 model programs, services or activities of any kind designed to
15 prevent or reduce the incidence of domestic abuse related to
16 DWI, alcoholism or alcohol abuse;

17 (4) may fund existing community-based
18 programs, services or facilities for prevention and treatment
19 of domestic abuse related to DWI, alcoholism or alcohol abuse;

20 (5) shall give consideration to a broad range
21 of approaches to prevention, education, screening, treatment or
22 alternative sentencing, including programs that combine
23 incarceration, treatment and aftercare, to address the problem
24 of DWI, alcoholism or alcohol abuse; and

25 (6) shall make grants only to counties or

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1 municipalities in counties that have established a DWI planning
2 council and adopted a county DWI plan or are parties to a
3 multicounty DWI plan that has been approved by the council and
4 approved pursuant to Chapter 43, Article 3 NMSA 1978 and only
5 for programs, services or activities consistent with that plan.
6 A DWI plan shall also comply with local DWI grant program rules
7 and guidelines.

8 [G.] F. The council shall use the criteria in
9 Subsection [F] E of this section to approve DWI programs,
10 services or activities for funding through the county DWI
11 program distribution. Sixty-five percent of the DWI grants
12 awarded to local communities shall be used for alcohol-related
13 treatment and detoxification programs."

14 Section 3. Section 11-6A-6 NMSA 1978 (being Laws 1997,
15 Chapter 182, Section 2, as amended) is amended to read:

16 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
17 FUNDS--APPROVAL OF PROGRAMS.--

18 A. An amount equal to the liquor excise tax
19 revenues distributed to the local DWI grant fund for the fiscal
20 year less [~~five million six hundred thousand dollars~~
21 ~~(\$5,600,000)~~] six million eight hundred sixty thousand dollars
22 (\$6,860,000) shall be available for distribution in accordance
23 with the formula in Subsection B of this section to each county
24 for council-approved DWI programs, services or activities;
25 provided that each county shall receive a minimum distribution

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1 of at least one-half percent of the money available for
2 distribution.

3 B. Each county shall be eligible for a DWI program
4 distribution in an amount derived by multiplying the total
5 amount of money available for distribution by a percentage that
6 is the average of the following two percentages:

7 (1) a percentage equal to a fraction, the
8 numerator of which is the retail trade gross receipts in the
9 county and the denominator of which is the total retail trade
10 gross receipts in the state; and

11 (2) a percentage equal to a fraction, the
12 numerator of which is the number of alcohol-related injury
13 crashes in the county and the denominator of which is the total
14 alcohol-related injury crashes in the state.

15 C. A county shall be eligible to receive the
16 distribution determined pursuant to Subsection B of this
17 section if the board of county commissioners has submitted to
18 the council a request to use the distribution for the operation
19 of one or more DWI programs, services or activities in the
20 county and the request has been approved by the council. The
21 request shall also comply with local DWI grant program rules
22 and guidelines.

23 D. No later than April 1 each year, each board of
24 county commissioners seeking approval for the DWI program
25 distribution pursuant to this section shall make application to

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1 the division for review and approval by the council for one or
2 more local DWI programs, services or activities in the county.
3 Application shall be made on a form and in a manner determined
4 by the division. The council shall approve the programs
5 eligible for a distribution no later than July 1 of each year.
6 The division shall make the annual distribution to each county
7 in quarterly installments on or before each September 10,
8 December 10, March 10 and June 10, beginning in September 2004.
9 The amount available for distribution quarterly to each county
10 shall be the amount determined by applying the formula in
11 Subsection B of this section to the amount of liquor excise tax
12 revenues in the local DWI grant fund at the end of the month
13 prior to the quarterly installment due date and after [~~one~~
14 ~~million three hundred twenty-five thousand dollars~~
15 ~~(\$1,325,000)~~] one million seven hundred fifteen thousand
16 dollars (\$1,715,000) has been set aside for the DWI grant
17 program and [~~after the appropriations and~~] the distributions
18 pursuant to [~~Subsections D and E~~] Subsection D of Section
19 11-6A-3 NMSA 1978.

20 E. If a county does not have a council-approved DWI
21 program, service or activity or does not need the full amount
22 of the available distribution, the unused money shall revert to
23 the local DWI grant fund and may be used by the council for the
24 local DWI grant program.

25 F. As used in this section:

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(1) "alcohol-related injury crashes" means the average annual number of alcohol-related injury crashes during the period from January 1, 2000 through December 31, 2002, as determined by the traffic safety bureau of the [~~state highway and transportation~~] department of transportation; and

(2) "retail trade gross receipts" means the total reported gross receipts attributable to taxpayers reporting under the retail trade industry sector of the state for the most recent fiscal year as determined by the taxation and revenue department."

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2006.